

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 690

SPONSOR: Senators Sebesta and Wise

SUBJECT: Bingo/Elderly or Disabled Adults

DATE: March 9, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Harkey</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/1 Amendment</u>
3.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes bingo games that may be conducted for residents or clients, and their guests, of nursing homes, assisted living facilities, adult day care centers, continuing care retirement communities, multi-service senior centers, and government-financed, government-insured, or government-subsidized housing for the elderly notwithstanding the provisions of s. 849.0931, F.S., which regulates and restricts the playing of bingo games. The bill prohibits patients with Alzheimer's disease or dementia from playing with personal funds. Proceeds must be returned to the players as prizes after deduction of certain expenses. Counties and municipalities that regulate bingo must exempt these bingo games from regulation and fees.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Bingo games are currently authorized for two groups under s. 849.0931, F.S.: (1) charitable, non-profit, or veterans organizations which qualify for certain tax exemptions and have been in existence for three years; and (2) condominium associations, cooperative associations, homeowners' associations; a group of residents of a mobile home park as provided in ch. 723, F.S., governing mobile home park tenancies; or a group of residents of mobile home parks or a group of residents of recreation vehicle parks as provided in ch. 513, F.S., governing mobile home and recreational vehicle parks. The first group is required to donate all proceeds, less actual business expenses, to the organizational endeavors. The second group must give net proceeds to the players in the form of prizes and may donate any net proceeds after paying prizes to a charitable, nonprofit, or veteran's organization that is exempt from federal income tax requirements under s. 501(c) of the internal revenue code to be used in the organization's charitable, civic, community, benevolent, religious, or scholastic work.

Chapter 400, F.S., provides for the regulation of nursing homes and related health care facilities. Part II of ch. 400, F.S., relates to nursing homes; part III of ch. 400, F.S., relates to assisted living facilities; part IV of ch. 400, F.S., relates to home health agencies; and part V of ch. 400, F.S., relates to adult day care centers. Chapter 651, F.S., provides for the regulation of continuing care contracts and continuing care retirement communities. Section 430.203(10), F.S., which provides definitions for the community care for the elderly program of the Department of Elderly Affairs, defines multiservice senior center as a facility that serves as the focal point for housing and delivering services to persons 60 years of age or older. Section 430.206, F.S., states that, if practicable, multiservice senior centers must be easily accessible to elderly persons, and services must be available to functionally impaired persons.

Alzheimer's disease is a progressive, irreversible brain disorder with no known cause or cure. Symptoms of the disease include memory loss, confusion, impaired judgment, personality changes, disorientation, and loss of language skills. Always fatal, Alzheimer's disease is the most common form of irreversible dementia. How rapidly it advances varies from person to person, but it eventually causes confusion, personality and behavior changes and impaired judgment. Communication becomes difficult as the affected person struggles to find words, finish thoughts or follow directions. Most people with Alzheimer's disease become unable to care for themselves.

III. Effect of Proposed Changes:

Notwithstanding s. 849.0931, F.S., the bill permits bingo games to be conducted for residents or clients, and their guests, of nursing homes, assisted living facilities, adult day care centers, continuing care retirement communities, multi-service senior centers, and government-financed, government-insured, or government-subsidized housing for the elderly. The games must be held in the facilities and played exclusively by residents, clients, and their guests and conducted by residents, staff, or volunteers of the facility. Neither the facility nor any third party may derive financial benefit from the games.

The bill also provides that games conducted in nursing homes, assisted living facilities, and home health agencies for persons with Alzheimer's disease or a related dementia may not be played with the personal funds of the residents or clients and must be supervised by paid or volunteer staff.

Prizes can only be claimed by residents, or clients, or their guests who are themselves residents or clients of similarly licensed or authorized facilities. Net proceeds must be returned to players in the form of prizes after expenses for refreshments and bingo supplies are deducted. Counties and municipalities that regulate bingo must exempt games that are played pursuant to this section from regulation and fees.

The bill will take effect July 1, 2004.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

The bill prohibits counties and municipalities that regulate the playing of bingo from charging fees for bingo games played under the provisions of this bill.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

On page 1, line 15, the reference is to part V of chapter 400, F.S., (adult day care centers), while on page 1, line 25, the reference is to part IV of chapter 400, F.S., (home health agencies). It appears that the reference to part IV is a typographical error, since home health agencies are not licensed facilities.

VII. Related Issues:

None.

VIII. Amendments:

1 by Health, Aging, and Long-Term Care Committee
Technical amendment correcting a statute reference.